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Serial No.: 09/611,221
Page 1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald MAGER) Confirmation No.: 4818
Serial No.: 09/611,221) Group Art Unit: 2621
Filed: July 6, 2000) Examiner: ROA, A. S.

For: ACTIVATING A VEHICLE'S OWN BRAKE LIGHTS AND/OR BRAKES WHEN
BRAKE LIGHTS ARE SENSED TO THE FRONT OF THE VEHICLE, INCLUDING
RESPONSIVELY TO THE PROXIMITY OF, AND/OR RATE OF CLOSURE WITH, A
FORWARD VEHICLE)

Atty's Docket No.: MAG 0002P)

San Diego, California
October 9, 2006

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

37 C.F.R section 1.181 (no Fee)

Mail Stop: Technology Center 2621
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Timely in response to the accompanying NOTICE OR ABANDONMENT
(i.e., within two months), Petitioner asks for withdrawal of said
NOTICE on the basis that no NOTICE OF ALLOWANCE AND ISSUE FEE DUE
was ever received.

No fee is believed due, and none is enclosed.

1 It is asked that it should be preliminarily determined
whether the NOTICE OF ALLOWANCE AND ISSUE FEE due was indeed
mailed

It is preliminarily asked that it should be determine whether the NOTICE OF ALLOWANCE AND ISSUE FEE DUE was indeed mailed. Applicant can neither determine from the NOTICE OF ABANDONMENT, nor the Public PAIR (in which the present application is not listed) when this event supposedly occurred.

However, Applicant DID receive, in an envelope by itself, the Notice Regarding Drawings attached hereto as EXHIBIT A, and did timely respond to this Notice by the submission attached hereto as EXHIBIT B.

Due to other prosecution delays in this ancient case, Applicant initially requests that it should be determined -- if now possible -- whether the electronic record of this case was ever even appropriate coded/keystroked by the Examiner for dispatch/ mailing of the NOTICE OF ALLOWANCE AND ISSUE FEE DUE.

Because Applicant does not have this NOTICE, and cannot retrieve the same from the public PAIR, any remittance thereunder is NOT presently enclosed.

2. Applicant's undersigned representative attests that the NOTICE OF ALLOWANCE AND ISSUE FEE DUE was not received

Applicant's undersigned representative attests that the NOTICE OF ALLOWANCE AND ISSUE FEE DUE was not received.

Search of the file wrapper has been duly made, but is substantially irrelevant in this old case upon which progress to issuance has long been sought, and regarding which any receipt of a NOTICE OF ALLOWANCE would have been both a remarked and remembered event immediately communicated to a longsuffering client. Per the attached EXHIBIT C e-mails with said client, NO NOTICE OF ALLOWANCE was recognized to have been generated in the PTO, let alone received.

Likewise, by the timely response to the Notice Regarding Drawings, it is suggested that inquiry into the docketing system of Applicant's undersigned representative - which system handled

this related matter quite satisfactorily - is also substantially irrelevant.

For the record, Applicant's undersigned representative uses a physical docketing system where each incoming correspondence is immediately attached to face of the associated file, and the file and attached correspondence are physically then placed together in a cue in a dedicated drawer. Correspondences not immediately associated with physical files are the subject of immediate and continued attention until the associated physical file is located and joined to the correspondence there regarding.

In this cue within the drawer a position in a line of files is indicative of first time of scheduled response, current time to the front of the cue. A file is extracted from the cue in order to work on preparation of an upcoming response, and may be changed to a future time in the cue (such as when a fee for extension of time will be paid), but never leaves the cue for any reason save mailed completion of any and all then-required response(s). When two or more time-related actions attend a single application file, each is visible and the file is not removed from the drawer nor from the cue until ALL necessary responses are made.

In this PHYSICAL system there is NO ``docket record'' as sought by the instructions contained within the Attachment to Notice of Abandonment. Nonetheless, the docketing system is sound, and has served Applicant's undersigned representative and his predecessors and associates for over twenty years.

4. Summary

Accordingly, for these reasons, (1) withdrawal of the Notice of Abandonment, and (2) re-mailing of the Notice of Allowance, is petitioned.

Serial No.: 09/611,221
Page 4

Sincerely yours,

William C. Fuess

William C. Fuess
Registration Number 30,054

William C. Fuess
FUESS & DAVIDENAS
Attorneys at Law
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Suite II-G

San Diego, California 92121-1613

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Facsimile: (858) 453-3574

E-mail: WFuess@gmail.com

[X] Attorney of Record
[] Filed Under 37 CFR §1.34(a)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Technology Center 2621, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date written below.

October 9, 2006

William C. Fuess

William C. Fuess

Date

Typed Name of Person

Signature of Person Mailing

Mailing Correspondence

Correspondence



EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER 09/611221	FILING/RECEIPT DATE 07/06/2000	FIRST NAMES APPLICANT <u>MAGER, DONALD</u>	ATTORNEY DOCKET NUMBER MAG 0002P
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Attention William C Fuess
Fuess & Davidenas
Attorneys at Law
Suite II G 10951 Sorrento Valley Road
San Diego CA 92121-1613

Examiner **RAO, ANAND**
Art Unit **2621** Paper Number

Date Mailed: 5/8/2006

Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 07/06/2000, are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b). Failure to take corrective action within the set period will result in abandonment of the application.**

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Review

RETURN CORRECTED DRAWINGS TO:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Tyrone Johnson
Office of Patent Publication,
Publishing Division
703-305-0333 #130



EXHIBIT B

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald MAGER)	Confirmation No.:
)	
Serial No.: 09/611,221)	Group Art Unit: 2621
)	
Filed: July 6, 2000)	Examiner: Roa, A.S.
)	
For: ACTIVATING A VEHICLE'S OWN BRAKE LIGHTS AND/OR BRAKES WHEN BRAKE LIGHTS ARE SENSED TO THE FRONT OF THE VEHICLE, INCLUDING RESPONSIVELY TO THE PROXIMITY OF, AND/OR RATE OF CLOSURE WITH, A FORWARD VEHICLE		
)	
Atty's Docket No.: MAG 0002P)	
)	

San Diego, California
July 7, 2006

RESPONSE TO
NOTICE REGARDING DRAWINGS

attn: Tyrone Johnson
Office of Patent Publicstions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The present response is timely to the attached NOTICE
REGARDING DRAWINGS mailed May 8, 2005.

Attached are Figures 1-3 on three sheets formal drawings
replacing the informal drawings of the application as originally
filed.

Applicant's undersigned attorney is at the Examiner's
disposal should the Examiner wish to discuss any matter which
might expedite prosecution of this case.

Sincerely yours,

William C. Fuess

William C. Fuess
Registration Number 30,054

William C. Fuess
FUESS & DAVIDENAS
Attorneys at Law
10951 Sorrento Valley Road
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E-mail: wfuess@gmail.com

[X] Attorney of Record
[] Filed Under 37 CFR \$1.34(a)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service first class postage prepaid addressed to: Mail Stop Office of Patent Publication, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date written below.

July 7, 2006
Date

William C. Fuess

Typed Name of Person
Mailing Correspondence

William C. Fuess

Signature of Person Mailing
Correspondence



EXHIBIT C
W Fuess <wfuess@gmail.com>

Fw: App # 09/611,221 [X200605093589]

1 message

DON <donvm@earthlink.net>
To: Bill Fuess <wfuess@gmail.com>

Tue, May 9, 2006 at 9:23 AM

Bill,
FYI, no big deal, but I can't get status from PAIR system.
Don M

----- Original Message -----

From: "EBC" <EBC@USPTO.GOV>
To: <donvm@earthlink.net>
Sent: Tuesday, May 09, 2006 9:39 AM
Subject: Re: App # 09/611,221 [X200605093589]

The application has not been published, nor has it been issued yet. The application will not be available in Public PAIR until one of these things happens.

Charles

DISCLAIMER:

This e-mail message contains confidential, privileged information intended solely for the addressee. Please do not read, copy, or disseminate it unless you are the addressee. If you have received it in error, please call us at 866-217-9197 and ask to speak with the message sender. Also, we would appreciate your forwarding the message back to us and deleting it from your system. Thank you.

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-----Original Message-----

From: DON
Sent: Tuesday, May 9, 2006 10:31 AM
To: EBC
Subject: App # 09/611,221

I filed this patent app number 09/611,221 about 6 years ago, but cannot get status information from the PAIR system.
Why not?
Don Mager